

Minutes of Regular Meeting of August 26, 2014
One Twin Pines Lane

CALL TO ORDER 7:03 p.m.

ROLL CALL

Council Present: Wright, Stone, Reed, Braunstein Lieberman

Council Absent: None

PLEDGE OF ALLEGIANCE

Led by the Belmont Blast Girls Softball Team.

SPECIAL PRESENTATIONS

Recognition of the Belmont Blast U16 Girls Softball Team's accomplishment at the Western National Championships

Mike Shipley, Belmont Blast, provided information regarding the events which led to the team winning third in the western nationals.

Proclamation Honoring Police Corporal Bill McGuigan Upon His Retirement

Mayor Lieberman read the proclamation.

Police Chief DeSmidt stated that Corporal McGuigan was instrumental at the initiation of the DARE (Drug Abuse Resistance Education) program. He highlighted Corporal McGuigan's involvement in the CISM (Critical Incident Stress Management) program.

Lenore Griffin, Belmont resident, thanked Corporal McGuigan for his efforts over the years on behalf of her family.

Joe McGuigan stated that his father has been an inspiration to him.

Corporal McGuigan stated that it was an honor to work for Belmont.

RECESS 7:30 P.M.

RECONVENE: 7:45 P.M.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Will Holsinger, San Mateo County Harbor District, reported that the District is in good financial condition.

Charles Miriam, Belmont resident, spoke regarding the proposed wireless facility on Notre Dame Avenue and requested that a public hearing be held on this matter. He pointed out that the matter will be heard by the Planning Commission and is likely to be appealed to the City Council.

Perry Kennan, Belmont resident, requested that the condition of Belmont's roads be placed on a future city council agenda. He pointed out that there has been no substantive discussion on this matter.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Councilmember Stone congratulated the Cipriani Librarian for earning the Judy Moomaugh Award for Excellence. He recognized the work of Belmont teen Julia Tognotti for her efforts in collecting clothing and other items for the illegal immigrant children to meet their needs.

Councilmember Wright stated that she attended the grand opening of Fire station 24 in San Mateo.

Mayor Lieberman pointed out that school is now open and he encouraged everyone to drive carefully. He announced upcoming events such as the blood drive, Movie in the Park, and NDNU's art show at the Manor Building. He thanked everyone for their patience with his recent extensive travel which caused him to miss meetings. He commented regarding the shared fire services. He announced that he will be a signatory on a rebuttal argument for the elementary school district's upcoming bond measure on the November ballot.

QUESTIONS AND CLARIFICATION REGARDING ITEMS ON CONSENT CALENDAR

Councilmember Reed stated that he had questions regarding some of the items on the agenda.

Perry Kennan, Belmont resident, spoke regarding the City Council minutes of July 22, 2014. He requested consideration for more details to be included in the minutes.

Brief discussion ensued regarding the style of minutes. City Clerk Cook invited the public to contact her if they had questions regarding the minutes. She pointed out that there is no requirement for anything beyond action, which the style used by many cities.

Resolution of the City Council Authorizing the Filing of an Application for the Regional Active Transportation Program (ATP) Assigned to the Metropolitan Transportation Commission (MTC), and Committing any Necessary Matching Funds and Stating the Assurance to Complete the Ralston Avenue Corridor Complete Streets Improvement Project and Resolution of the City Council Authorizing the Filing of an Application for the Regional Active Transportation Program (ATP) Assigned to the Metropolitan Transportation Commission (MTC), and Committing any Necessary Matching Funds and Stating the Assurance to Complete the Old County Road Pedestrian and Bicycle Improvement Project

In response to Councilmember Reed, City Manager Scoles pointed out that these resolutions approve grant applications for which there will be a required City match. He noted that it is not known if Belmont will receive the grant or what the match will be.

Resolution of the City Council Authorizing the City Manager to Execute a Service Agreement with Associated Right of Way Services, Inc. for Program Development and Residential Relocation Assistance Services for Low-Moderate Income Housing Properties

In response to Councilmember Reed, City Manager Scoles explained that this contract that will assist Belmont in evaluating and prioritizing city-owned housing units.

Resolution of the City Council Authorizing an Amendment to the Service Agreement for Park Impact Fee Study Services with SCI Consulting Group for an Amount Not to Exceed \$5,000

In response to Councilmember Reed, City Manager Scoles explained that this resolution approves an amendment to an existing contract. He noted that currently no park impact fees are imposed for housing projects that are not part of a subdivision. He stated that the vendor will assist Belmont in evaluating these fees.

ITEMS APPROVED ON CONSENT CALENDAR

Waive Further Reading of Proposed Ordinances

Minutes of Special and Regular City Council Meeting of July 22, 2014

Motion to Receive Monthly Financial Reports

Resolution 2014-113 of the City Council Approving Procurement of Legal Services From Stubbs & Leone

Resolution 2014-114 of the City Council Authorizing the Filing of an Application for the Regional Active Transportation Program (ATP) Assigned to the Metropolitan Transportation Commission (MTC), and Committing any Necessary Matching Funds and Stating the Assurance to Complete the Ralston Avenue Corridor Complete Streets Improvement Project

Resolution 2014-115 of the City Council Authorizing the Filing of an Application for the Regional Active Transportation Program (ATP) Assigned to the Metropolitan Transportation Commission (MTC), and Committing any Necessary Matching Funds and Stating the Assurance to Complete the Old County Road Pedestrian and Bicycle Improvement Project

Resolution 2014-116 of the City Council Approving Award of Contract to Express Plumbing for an Amount not to Exceed \$708,500, Approving a Construction Contingency not to Exceed \$70,850, and Authorizing the City Manager to Execute a Contract for the Ralston Avenue Sanitary Sewer Main Replacement Project (between Notre Dame Avenue and South Road), City Contract Number 2014-526

Resolution 2014-117 of the City Council Authorizing a Service Agreement with CSG Consultants, Inc. for an amount not to Exceed \$126,000 for Management Services for the 2035 Belmont Village & General Plan Update Project

Resolution 2014-118 of the City Council Accepting a Restrictive Covenant and an Associated Ownership/Open Space Management Plan for an Approved Floor Area Transfer Between a Sending Parcel (APN: 043-111-160) and Receiving Parcel (APN: 043-072-040) on Naughton Avenue

Resolution 2014-119 of the City Council Authorizing a Service Agreement Amendment with Lamphier-Gregory, Environmental Consultants for an amount not to Exceed \$29,500 for Environmental Review Services for the Clear Channel Digital Electronic Billboard Project at 1385 Shoreway Road (Applicant Funded Study)

Resolution 2014-120 of the City Council Authorizing a Purchase Order for Unleaded Gasoline and Diesel Fuel from Valley Oil Company for an Amount not to Exceed \$25,000

Resolution 2014-121 of the City Council Authorizing the City Manager to Execute a Service Agreement with Associated Right of Way Services, Inc. for Program Development and Residential Relocation Assistance Services for Low-Moderate Income Housing Properties
Resolution 2014-122 of the City Council Authorizing an Amendment to the Service Agreement for Park Impact Fee Study Services with SCI Consulting Group for an Amount Not to Exceed \$5,000

ACTION: On a motion by Councilmember Stone, seconded by Councilmember Braunstein, the Consent Agenda was unanimously approved.

HEARINGS

Housing Element Update: Belmont Zoning Ordinance Amendments Necessary to Comply with the Belmont Housing Element 2007-2014 (Second Reading)

Management Analyst Rose noted that this ordinance was introduced on July 22, 2014 and subsequently heard by the Planning Commission. She explained that no changes were proposed by the Commission. She outlined the required programs and actions necessary to amend the ordinance. She pointed out that the accompanying resolution implements a sewer priority policy for affordable housing developments.

Mayor Lieberman opened the Public Hearing. No one requested to speak.

ACTION: On a motion by Councilmember Reed, seconded by Councilmember Stone, the Public Hearing was unanimously closed.

Councilmember Stone expressed his desire to provide affordable housing, and if the amendment to the housing element can assist with this goal, he is in favor of the amendment.

ACTION: On a motion by Councilmember Stone, seconded by Councilmember Reed, and unanimously approved to Adopt Ordinance 2014-1079 amending sections of Ordinance 360 (Belmont Zoning Ordinance) as required to comply with state law; and to Adopt resolution 2014-123 implementing a sewer priority policy for affordable housing developments

OTHER BUSINESS

Resolution of the City Council Approving the Ralston Avenue Corridor Study and Transportation Improvements Plan as a Corridor Context Sensitive Plan

Public Works Director Oskoui stated that the purpose is to provide a platform for proposed improvements to Ralston Avenue to address vehicles, pedestrians, and bicycles.

Mark Spencer, Consultant, provided an overview of the 18-month project and the work that has been done to date. He provided statistics related to traffic, pedestrian, and bicycle volumes. He described the community outreach efforts. He explained the required funding for each segment of the plan. He explained that each element would be evaluated, and not all elements would need to be implemented

even if the plan is approved. He explained that alternatives could be considered. He noted that the plan provides a framework that will help as the city seeks funding to implement any of the proposed elements of the plan.

Bruce Glassner, Belmont resident, stated that Ralston Avenue is lifeline. He expressed support for the idea of having a plan, and noted that stakeholders have been addressed.

Jim Bigelow, Belmont Chamber of Commerce, expressed appreciation for looking into this matter. He suggested maintaining parking for businesses. He commented regarding the proposed roundabout at the University. He noted the need for the plan in order to obtain funding. He pointed out that it addresses all stakeholders.

Ashley Hernandez, Silicon Valley Bicycle Coalition, expressed appreciation for the study and the public outreach. She pointed out that the corridor plan does not address bicycle needs in several segments.

Giuliano Carlini, Belmont resident, expressed the need to encourage bicycle commuting which will reduce traffic on Ralston.

Judith Greig, NDNU (Notre Dame de Namur University), spoke regarding the proposed roundabout at the University and its encroachment on University property and potential backups during peak times. Safety is a primary concern. She questioned whether a signal would be a better option.

Tim O'Brien, Belmont resident, questioned a specific component of the report near Ralston Middle School and how it will affect pedestrians. He expressed concerns regarding the need for improvements on streets other than Ralston Avenue.

Michael Munrow, Belmont resident, expressed appreciation for the process. He pointed out that solutions outlined in Segment 4 (west of Alameda) are inadequate. He suggested encouraging kids to ride their bikes to school.

Daniel Pierce, Belmont resident, pointed out that approval of the plan sets the direction. He stated that the purpose of the plan should not be to ease traffic from one end to the other. He noted that the plan does not improve bicycle safety.

Valerie Dohrenwend, Belmont resident, expressed concerns regarding speeds on upper Ralston. She recommended reducing it to 35 miles per hour.

Michael Picone, Carlmont Shopping Center, expressed concerns regarding the proposals surrounding the shopping center as it affects parking on Ralston for patrons.

Barbara Golden, Belmont resident, commented regarding the two-way left turn lane on Ralston travelling eastbound near El Camino. She noted it is not addressed in the proposed report.

Mary Morrissey Parden, business owner, expressed support for the plan. She expressed concerns regarding the proposed removal of the left turn into the Carlmont Shopping Center. She suggested implementing temporary measures to evaluate specific elements.

Mike Swire, Hillsborough resident, spoke regarding a petition signed by 730 people who want a safer Ralston for bikes and pedestrians. He suggested lowering speed limits on upper Ralston and the installation of continuous bike lanes. He noted that Ralston safety was discussed during the recent campaign.

Consultant Mark Spencer responded to comments of the speakers. He pointed out that the plan does not commit the City Council to any specific element but is the blueprint for seeking funding for improvements. He addressed the issue of continuous bike lines, which is addressed from downtown to the Alameda. He noted that alternative lanes are proposed in order to maintain on-street parking. He explained that there are ways to encourage biking and walking by students, and that there will be ongoing discussions with various stakeholders. He noted that some of the proposed measures will calm traffic. He concurred that implementing temporary measures will help evaluate the various elements. He noted that traffic signals add to air quality issues, and that roundabouts have a better chance of being funded. He noted that some of the proposed traffic calming could reduce speed on various parts of Ralston. He clarified that the two-way left turn lane on Ralston between El Camino and Sixth Avenue will be addressed in the Downtown Plan.

RECESS: 10:10 P.M.

RECONVENE: 10:15 P.M.

Councilmember Stone commented regarding the City's inability to lower the speed limit on Ralston. He pointed out that the implementation of traffic calming measures is likely to reduce vehicular speeds. He noted that there is unlikely to be public support for removing a lane of traffic on Ralston to accommodate a continuous bike lane. He expressed support for extending the landscape buffer from Cipriani to Alameda. He expressed support for the addition of a bike path on eastbound Ralston from El Camino to the bike bridge over highway 101.

MEETING EXTENSION: At this time, being 10:25 p.m., on a motion by Councilmember Braunstein, seconded by Councilmember Stone, the meeting was unanimously extended by 30 minutes.

Councilmember Wright expressed support for the conceptual plan. She noted there are competing interests in implementing any component of the plan.

Councilmember Braunstein expressed support for the plan and its options, and for having ongoing dialog with stakeholders. He noted that no single plan will meet the needs of all stakeholders.

Councilmember Reed noted the need to optimize the existing road configuration to meet the needs of all stakeholders. He expressed a desire for having a continuous bike lane from end to end.

Mayor Lieberman noted that there a wide ranges of opinions on this issue. He pointed out that everyone was complimentary of the process. He noted the need for an incremental approach, and that the plan is a start, especially for funding.

ACTION: On a motion by Councilmember Braunstein, seconded by Councilmember Wright, Resolution 2014-124 Approving the Ralston Avenue Corridor Study and Transportation Improvements Plan as a Corridor Context Sensitive Plan was unanimously approved.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Designating Voting Delegate and Alternate for League of California Cities Annual Conference

ACTION: On a motion by Councilmember Reed, seconded by Councilmember Stone, City Attorney Rennie was unanimously designated as the voting delegate for the League of California Cities Annual Conference.

Confirm Elected and Appointed Official Ethics Obligation Compliance and Continuing Appointments to Boards and Commissions

Mayor Lieberman provided a background of the development of the code of ethics for appointed officials. He noted that 29 of 31 have completed all obligations, including Form 700, AB1234, and the Ethics code. He recommended that the City Council take action to confirm the appointments of those in compliance.

Mark Herbach, Belmont resident, stated that he signed the document as a Planning Commissioner. He noted that the two members of the commission who did not sign have behaved ethically and there have been no ethical violations. He suggested allowing the two commissioners to fill out their term.

Perry Kennan, Belmont resident, stated that the language in the Code of Ethics is too strong. He expressed concern that City Council members may need to recuse themselves from topics in the future as a result.

Kristin Mercer, Belmont resident, stated that she is being dismissed for not signing the document. She noted she has not broken any laws. She cited specific clauses of which she disagrees. She expressed concerns regarding free speech and censorship.

Jeffrey Selman, Belmont resident, noted that an ethics code can establish appropriate conduct and improve public participation. He noted that many cities have adopted ethics codes. He expressed support for the code of ethics.

Dave Warden, Belmont resident, stated that he does not support the code of ethics. He cited comments made by Mayor Lieberman at a neighborhood meeting that he feels violate the code.

Mary Morrissey Parden, Belmont Chamber of Commerce, expressed support for implementing the code of ethics that has been adopted. She stated that people are more credible when they are ethical. She noted that ethical behavior is expected in all aspects of business. She cited examples of unethical behavior of elected and appointed officials in the past.

Tran Tran, Belmont resident, does not support the proposed action of removing two members of the Planning Commission. She stated that both have conducted themselves ethically. She questioned whether the members have been given due process.

Jeff Schmitz, Belmont resident, stated that a code of ethics is standard business practice in many aspects of life.

MEETING EXTENSION: At this time, being 11:00 p.m., on a motion by Councilmember Stone, seconded by Councilmember Braunstein, the meeting was unanimously extended by 30 minutes.

Joseph Brennan, Belmont resident, expressed concern regarding the complexity of Belmont's code of ethics. He described a more simplified code as adopted by a neighboring city.

Mayor Lieberman stated that the community has expressed a desire for public officials to behave ethically and to treat the public with respect, and that the code of ethics was adopted as a result. He clarified that there is no desire to restrict speech, and that it is not his intent to dismiss anyone.

City Attorney Rennie stated that a code of conduct sets a standard for behavior. He pointed out that public officials speak in an official capacity and is not an impediment for free speech.

Councilmember Stone stated that the expectation was to abide by the code whether or not the document is signed. Elected and appointed officials are ambassadors for the city. He noted that the code outlines unacceptable behavior. He pointed out that commissioners serve at the pleasure of the Council, and that when the two commissioners were appointed, they were not asked to sign the document. He stated he is not comfortable in dismissing any sitting commissioner at this time.

Councilmember Wright pointed out that the majority of communication is nonverbal. She cited a code of governance that was utilized when she was a school board member, which was helpful. She stated she supported the adoption of the code of ethics and conduct and there was no malintent in its adoption. She concurred that the two commissioners should not be dismissed at this time and should be allowed to finish their terms.

MEETING EXTENSION: At this time, being 11:30 p.m., on a motion by Councilmember Stone, seconded by Councilmember Wright, the meeting was unanimously extended by 30 minutes.

Councilmember Braunstein stated that the code attempts to model behavior, and was not intended as an attack on anyone, but an attempt to set expectations. He concurred that the two commissioners should be allowed to finish their term, and that newly appointed commissioners should be expected to sign.

Councilmember Reed noted that officials are bound by the code whether or not they have signed it, and he questioned why the two commissioners refused to sign the document.

Mayor Lieberman stated that the goal has been met with setting expectations, and he invited members of the public to advise whether or not those expectations have not been met.

Council concurred not to take action on this matter.

Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

Councilmember Reed reported on a recent Silicon Valley Clean Water Agency meeting.

Councilmembers Braunstein and Stone described the discussion at a recent Four Corners meeting.

Councilmember Stone noted that he is on a Congestion Management subcommittee of C/CAG (Cities and Counties Association of Government).

Mayor Lieberman stated that he met recently with the Mayors of San Mateo and Foster City.

Verbal Report from City Manager

City Manager Scoles noted that the Mid-Peninsula Water District will be celebrating 85 years. He announced the upcoming blood drive. He announced that the former Redevelopment Agency bonds were sold, resulting in savings to all taxing agencies. He stated that the officer-worn video cameras are beginning to be deployed.

ADJOURNMENT at this time, being 11:55 p.m.

**Terri Cook
City Clerk**

Meeting audio-recorded and videotaped